

Docket No. 04512/00012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Victor Rubio Susan et al.

EXAMINER: Marx

SERIAL NO.: 09/744,502

GROUP: 1651

FILED: 24 January 2001

FOR: Protection of Plants Using Rhizoctonia

HONORABLE COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

FILED VIA FACSIMILE TO: (703) 872-9306

Sir:

RESTRICTION RESPONSE

In response to the Restriction Requirement dated 26 September 2002,
Applicant hereby elects the following Group, without traverse - GROUP I.

Applicant further elects the following "single nucleic acid" as requested in
the restriction requirement - SEQ ID NO. 20.

REMARKS

Claims 1-10 are pending in this application. As recited therein, the present invention relates generally to methods for the protection of plants against pathogenic fungi is achieved by the use of binucleate *Rhizoctonia* selected through the molecular detection of certain ITS ribosomal sequences, the protective strains suitably being members of a phylogenetically differentiated cluster. A new group of binucleate *Rhizoctonia* is thereby provided. ITS data, especially the ITS1 data, is employed to distinguish suitable isolates.

Restriction to one of the following inventions was required under 35 U.S.C.

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Group I, claims 1-6 and 9, drawn to a method of protecting plants from fungal attack,

Group II, claims 7-8 drawn to a *Rhizoctonia* strain and compositions thereof,

Group III, claim 10 drawn to a primer.

Applicant has elected Group I and reserves the right to file one or more divisional applications directed to the non-elected Groups.

In response to the additional requirement that Applicant must elect a single nucleic acid, Applicant has elected the nucleic acid of SEQ ID NO 20. The claims which are readable on this nucleic acid include Claims 1-6 and 9, and in particular, Claim 5.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Examiner is hereby invited to call the undersigned, collect at the number shown below.

FEE AUTHORIZATION

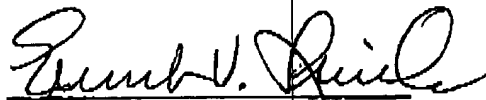
Please charge all time extension fees due in connection with this filing to our Deposit Account - No. 19-0733.

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown below.

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Respectfully submitted,



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Date: 17 January 2003

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